

CITATION FINES AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill concerns the disposition of a justice court fine for a violation issued by the Utah Highway Patrol.

Highlighted Provisions:

This bill:

- requires that a fine collected by a justice court for certain violations issued by the Utah Highway Patrol be paid to the General Fund; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78A-7-120, as last amended by Laws of Utah 2021, Chapter 280

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **78A-7-120** is amended to read:

78A-7-120. Disposition of fines.

(1) As used in this section:

(a) "County of the first class" means the same as that term is described in Section 17-50-501.

(b) "Highway Patrol" means the same as that term is defined in Section 53-8-102.

[~~(1)~~ (2) (a)] Except as otherwise [specified by] provided in this section, [~~finest and forfeitures~~] a fine or forfeiture collected by a justice court shall be remitted, 1/2 to the treasurer of the local government responsible for the court and 1/2 to the treasurer of the local government [which] that prosecutes or [which] would prosecute the violation.

(b) An interlocal agreement created ~~[pursuant to]~~ under Title 11, Chapter 13, Interlocal Cooperation Act, related to justice courts may alter the ratio provided in this section if the parties agree.

~~[(2)]~~ (3) (a) For a violation of Title 23, Wildlife Resources Code of Utah, the justice court shall allocate 85% to the Division of Wildlife Resources and 15% to the general fund of the city or county government responsible for the justice court.

(b) For a violation of Title 41, Chapter 22, Off-Highway Vehicles, or Title 73, Chapter 18, State Boating Act, the justice court shall allocate 85% to the Division of Recreation and 15% to the general fund of the city or county government responsible for the justice court.

(c) ~~[Fines and forfeitures]~~ A fine or forfeiture collected by the justice court for a violation of Section 41-6a-1302 in ~~[instances]~~ an instance where evidence of the violation ~~[was]~~ is obtained by an automated traffic enforcement safety device as described in Section 41-6a-1310 shall be remitted:

(i) 20% to the school district or private school that owns or contracts for the use of the school bus; and

(ii) 80% in accordance with Subsection ~~[(1)]~~ (2).

~~[(3)]~~ (4) The surcharge established by Section 51-9-401 shall be paid to the state treasurer and deposited into the General Fund.

~~[(4) Fines, fees, court costs, and forfeitures]~~ (5) A fine, fee, court cost, or forfeiture collected by a ~~[municipal or county]~~ justice court for a violation of Section 72-7-404 or 72-7-406 regarding maximum weight limitations and overweight permits, minus court costs not to exceed the schedule adopted by the Judicial Council, shall be paid to the state treasurer and allocated to the Department of Transportation for class B and class C roads.

~~[(5)]~~ (6) Revenue allocated for class B and class C roads ~~[pursuant to]~~ under Subsection ~~[(4)]~~ (5) is supplemental to the money appropriated under Section 72-2-107 but shall be expended in the same manner as other class B and class C road funds.

~~[(6)]~~ (7) (a) ~~[Fines and forfeitures]~~ A fine or forfeiture collected by the justice court for a second or subsequent violation under Section 41-6a-1713 or Subsection 72-7-409(6)(c) shall be remitted:

(i) 60% to the state treasurer to be deposited ~~[in]~~ into the Transportation Fund; and

(ii) 40% in accordance with Subsection ~~[(1)]~~ (2).

64 (b) ~~[Fines and forfeitures]~~ A fine or forfeiture collected by the justice court for a
65 second or subsequent violation under Subsection 72-7-409(6)(d) shall be remitted:
66 (i) 50% to the state treasurer to be deposited ~~[in]~~ into the Transportation Fund; and
67 (ii) 50% in accordance with Subsection ~~[(1)]~~ (2).
68 (8) Notwithstanding any other provision of this section, a fine collected by the justice
69 court for a violation issued by the Highway Patrol in a county of the first class shall be paid to
70 the state treasurer and deposited into the General Fund.